

Docket No.: 01794/100H406-US1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

John C. Salerno et al.

Application No.: 10/657,740

Confirmation No.: 8852

Filed: September 8, 2003

Art Unit: 1653

For: PROTEIN EXPRESSION SYSTEM

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of the first Office Action on the merits. Accordingly, it is believed no fee is due.

A copy of each document on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information

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Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: June 4, 2004

Respectfully submitted,

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6-7-04

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Application (NBA) Known): 10/657,740

Attorney Docket No.: 01794/100H406-US1

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PTO/SB/08a/b (08-03)

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				Art Unit			
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Sheet	1	of	1	Attorney Docket Number	01794/100H406-US1		

	U.S. PATENT DOCUMENTS							
Examiner Initials*	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant			
	No.1	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Figures Appear			
	AA**	US-5,552,301	09-03-1996	FRANCOIS BANEYX				
	AB**	US-5,919,682	07-06-1999	BETTIE S. MASTERS				
	AC**	US-5,773,245	06-30-1998	KARL D. WITTRUP				
	AD**	US-5,561,221	10-01-1996	MASASUKE YOSHIDA				
	AE**	US-4,758,512	07-19-1988	ALFRED L. GOLDBERG				

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (il known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		

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	NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	er Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, and/or country where published.					
	CA ·	Horwitz, J., Proc. Natl. Acad. Sci. U.S.A., 89(21):10449-10453, 1992				
	CB.	Ingola, et al., Proc. Natl. Acad. Sci. U.S.A., 79(7):2360-2364, 1989				
	CC.	Sutton, et al., Science, 273:1058-1073, 1996				
	CD.	Tseng, et al., Plant Mol. Bio., 18:963-965, 1992				
	CE.	Smulders, R.H. et al., Int. J. Biol. Macromol. 22(3-4):187-96, 1998				
	CF.	Muchowki, et al., J. Mol. Bio., 289:397-411, 1999				
	CG.	Bova, et al., Proc. Natl. Acad. Sci. U.S.A., 96(11):6137-6142, 1999				
	CH.	Berengian et al. (Biol. Chem. 274(10):6305-6314, 1999				
	CI	Bhat, et al., Biochem. Biophys. Acta., 158:319-325, 1989				

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